



PUBLIC NOTICE

Federal Communications Commission
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DA 04-1495
May 25, 2004

NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES (NASUCA) PETITION FOR DECLARATORY RULING REGARDING TRUTH- IN-BILLING AND BILLING FORMAT

CG DOCKET NO. 04-208

PLEADING CYCLE ESTABLISHED

Comments Due: 30 Days After Publication in the Federal Register
Reply Comments Due: 45 Days After Publication in the Federal Register

On March 30, 2004, the National Association of State Utility Consumer Advocates (NASUCA) filed a petition for a declaratory ruling prohibiting telecommunications carriers – both wireline and wireless - from “imposing monthly line-item charges, surcharges or other fees on customers’ bills unless such charges have been expressly mandated by a regulatory agency.”¹ NASUCA contends that all monthly line items are subject to the “full and non-misleading billed charges” principle adopted by the Commission in its *Truth-In-Billing Order*.² Further, NASUCA argues that carriers’ current uses of line-item charges are misleading and deceptive in their application, bear no demonstrable relationship to the regulatory costs they purport to recover, and therefore constitute unreasonable and unjust carrier practices and charges.³

Interested parties may file comments in this proceeding on or before the 30th day after publication of this *Public Notice* in the Federal Register, and reply comments may be filed on or before the 45th day after publication of this *Public Notice* in the Federal Register. When filing comments, please reference CG Docket No. 04-208. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63

¹ See Petition for Declaratory Ruling, CC Docket No. 98-170, filed March 30, 2004.

² See *In the Matter of Truth-in-Billing and Billing Format*, CC Docket No. 98-170, First Report & Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 7492 (1999) (*Truth-In-Billing Order*).

³ See Petition for Declaratory Ruling at p. 42.

Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line: “get form <your e-mail address>.” A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Policy Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C740, Washington, D.C. 20554, Attention: Kelli Farmer. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2297, Attention: Kelli Farmer.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission’s contractor, Natek, Inc., will receive hand-delivered or messenger delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission’s *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, DC 20554. The petition will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission’s copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail at qualexint@aol.com.

Alternative formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting the Consumer & Governmental

Affairs Bureau (CGB) at (202) 418-7426 (voice) or (202) 418-7365 (TTY), or FCC504@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Kelli Farmer, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 202-418-2512 (voice), Kelli.Farmer@fcc.gov.

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